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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,050	07/30/2001	Klaus Peter Thierschmidt	112740-260	9823
29177	7590	08/20/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/918,050

Applicant(s)

THIERSCHMIDT, KLAUS PETER

Examiner

Joshua D Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/30/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 07/30/2001 and IDS filed on 07/30/2001.
2. Claims 1-12 are pending in the case. Claims 1, 9, and 11-12 are independent claims.

### ***Drawings***

3. The drawings were received on 7/30/2001. These drawings are accepted.

### ***Information Disclosure Statement***

4. The information disclosure statement filed 7/30/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 9-12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The data structure (i.e. computer program) of the claims is not embodied on a computer readable medium.

The MPEP states:

Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, *Schrader*, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality **when employed as a computer component**. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do

not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chester et al. (hereinafter Chester, Mastering Excel 97 4<sup>th</sup> edition, published in 1997).

**Regarding independent claim 1**, Chester discloses a method in which a plurality of columns exists that is being displayed to a screen (Page 133 of Chester). Chester discloses a method in which a column that contains data larger than its prescribed width is detected (Page 133 of Chester). The data in the column is then rendered at an amount that is less than the width that was prescribed for the column (Page 133, Book 1, column B of Chester). Chester does not disclose a method which is based on the number of characters, however it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to apply the method of Chester with the use of number of characters because it was well known that the number of characters, length (inches, centimeters, etc.), and number of pixels are measures of length used in words processing functions.

**Regarding dependent claim 2**, Chester discloses a method in which a determination about how much of the output to suppress is made (Pages 132-133 of Chester). Chester also discloses a method in which the width values of all columns will be checked (Pages 75-76 and 132-133 of Chester) and if necessary the corrections to the data by reduction will be made in order to fit the data output to the prescribed width (Pages 75-76 and 132-133 of Chester). Chester does not disclose a method which is based on the number of characters, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Chester with the use of number of characters because it is well known that the number of characters, length (inches, centimeters, etc.), and number of pixels are measures of length used in words processing functions.

**Regarding dependent claims 3**, Chester discloses a method in which if the characters to be rendered have been changed the checking of the width values is repeated with the new renderings to see if a change to the data must be made based on the width value (Pages 75-76 and 132-133 of Chester).

**Regarding dependent claim 4**, Chester discloses a method in which if none of the data exceeds the width value the auto-format function has the power to decrease (decrement) the width values (Pages 75-76 of Chester).

**Regarding dependent claim 6**, Chester discloses a method in which the columns may contain column headings and the headings will be treated the same as all other data when the rendering is shortened (Page 133, Second Figure, Row 8 of Chester).

**Regarding dependent claim 7**, Chester discloses a method in which column headings may be treated separately from the table and have a greater number of characters than the other data (Page 133, Second Figure, Row 1 of Chester). Chester also discloses a method in which markers (tabs) are shown for column headings (Page 133, Book 1, Borders of the Table (i.e. A-H) of Chester).

**Regarding dependent claim 8**, Chester discloses a method in which a smaller number of characters are rendered for a column, but that no text (including numerals) is eliminated, rather moved to a new row (Pages 132-133, Wrap Text of Chester).

**Regarding independent claim 9**, Chester discloses a method in which a plurality of columns exists that is being displayed to a screen (Page 133 of Chester). Chester discloses a method in which a column that contains data larger than its prescribed width is detected (Page 133 of Chester). The data in the column is then rendered at an amount that is less than the width that was prescribed for the column (Page 133, Book 1, column B of Chester). Chester does not disclose a method which is based on the number of characters, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Chester with the use of number of characters because it is well known that the number

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of characters, length (inches, centimeters, etc.), and number of pixels are measures of length used in words processing functions.

**Regarding dependent claim 10**, Chester discloses a method in which a determination about how much of the output to suppress is made (Pages 132-133 of Chester). Chester also discloses a method in which the width values of all columns will be checked (Pages 75-76 and 132-133 of Chester) and if necessary the corrections to the data by reduction will be made in order to fit the data output to the prescribed width (Pages 75-76 and 132-133 of Chester). Chester does not disclose a method which is based on the number of characters, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Chester with the use of number of characters because it is well known that the number of characters, length (inches, centimeters, etc.), and number of pixels are measures of length used in words processing functions.

**Regarding independent claims 11 and 12**, the claims incorporate substantially similar subject matter as claim 9. Thus, the claims are rejected along the same rationale as claim 9.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chester et al. (hereinafter Chester, Mastering Excel 97 4<sup>th</sup> edition, published in 1997) as applied to claim 1 above, and further in view of Lowitz et al. (hereinafter Lowitz, US Patent Number 5,485,554, issued on January 16, 1996).



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**Regarding dependent claim 5**, Chester does not disclose a method in which when printing the selection of portrait versus landscape is automatically made. However, Lowitz discloses a method in which the selection of portrait versus landscape printing options is made automatically (column 13, line 14-34 of Lowitz). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Chester with the method of Lowitz because it would have allowed for a printed version of a document to be printed on a page in the format which entails the best fit.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,588,099

US Patent Number 5,680,557

US Patent Number 5,808,914

US Patent Number 5,956,738

US Patent Number 6,639,611

US Patent Number 6,675,351


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
July 29, 2004



STEPHEN S. HONG  
PRIMARY EXAMINER